

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

MACA.No. 1283 of 2005

OPMV.818/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA
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APPELLANT/APPLICANT

AUSTIN, S/O.WILSON, SUMA BHAVAN,
ANCHUMARAMKKALA, VELLARADA P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: RESPONDENTS

1. M.DASAYYAN, DHANYA BHAVAN, KARALI,
PARASSALA P.O. THIRUVANANTHAPURAM.
2. PRASANNAKUMAR, S/O.DHARMAYYAN,
PRASANNA BHAVAN, INCHIVILA, PARASSALA P.O.
THIRUVANANTHAPURAM.
3. THE DIVISIONAL MANAGER,
NEW INDIA INSURANCE COMPANY LTD.,
THIRUVANANTHAPURAM.

R3 BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 1283 of 2005

Dated: 10th October 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is not disputed; so also the insurance coverage. Appellant has preferred this appeal claiming enhanced compensation. Appellant himself got examined as P.W.1. He appeared before the Tribunal in crutches and the disability cannot be treated as trivial. He had produced Ext A12 certificate issued by the Medical Board attached to the Medical College Hospital, Thiruvananthapuram. Certificate would indicate that the claimant has permanent partial disability of 40%. No doctor was examined. However, we find no reason to discard the certificate as such especially in the nature of oral evidence adduced by the claimant. The Tribunal did not accept the certificate as such and adopted only 25% disability instead of 40%. Therefore, we hold that claimant is entitled to compensation of an amount of Rs 1,63,000/- for permanent disability instead of Rs 1,02,000/- awarded by the Tribunal. In all other respects, the award of the Tribunal will stand. The appeal is disposed of granting an

additional amount of Rs 61,000/- towards compensation for permanent disability and the said amount will carry interest at the rate of 7.5% per annum from the date of petition till payment.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-

A.K. BASHEER
Judge

10/10/2007
en

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